

# Understanding the Politics of Resentment

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*“Stop for a second in a rushing crowd. There is the Other next to you. Meeting Him is the greatest experience of all. Talking to the Other, feeling him out while at the same time knowing that he sees and understands the world differently, is crucial to building the atmosphere for positive dialogue”*

R. Kapuściński, [Ten Inny](#), ([The Other](#)), Warszawa, 2010 (my translation)

## From resentment to the politics of resentment. A manual

Resentment sweeps across Europe. Yet, the concept itself, its consequences and *modus operandi*, are far from clear. We continue to lack a solid conceptual framework to deal with it. We only scratch the surface by adopting intuitive understanding of the term and equate it with the politics of protest, contestation and revolt against mainstream politics. Yet contestation and conflict itself are a part and parcel of a democratic process and open public sphere in which different world views compete for popular attention. In this traditional sense resentment is often analysed together with the populism and the two are even used interchangeably. Just like populism resentment is not only anti-elitist, but also anti-pluralist, two features rightly identified by [J. W. Müller](#) in his insightful analysis as constitutive for populism. Populism appeals to resentment by excluding others from „the people”, rising suspicion and uncertainty, thriving on conspiracy theories.

Resentment never works on its own, though. It is always a function, and mixture of, culture, history and domestic politics. As a result of this „bifurcation” resentment works differently in different environments and manifests itself in different guises: Brexit in UK, more generally anti-European sentiments across the continent, rise of the right-wing parties in Germany, Austria and France, the spread of hate speech and exclusion of the „the Other”, and, last but not least, more recently disabling constitutional checks and balances and taking over the state with looming [POLEXIT in Poland](#). The rationale behind resentment – distrust – plays out in each and every case just mentioned, yet it operates differently, with varying intensity, consequences and methods. Resentment transforms our traditional understanding of conflict. While democratic politicians compete with their own visions for society and politics and to this end make representative claims, they always stick to the language of “probability” for describing their alternatives to the status quo. They are ready to present these to the constitutional vetting through procedures and elections, and most importantly, they will be ready to accept failure and come back ... with better alternatives. The constitution provides the political stage and frames this never-ending contestation and vying for political recognition. This is what makes democracy vibrant and dynamic. On the other hand, resentment-driven politicians see their claims as settling most fundamental issues once and for all and not allowing any room for critique and contestation. Their claims can not be judged along the lines of „truth” and „falsehood” because of their moral dimension. Their claims are always the best and not open for further contestation.

So far so good. I would argue, however, that transitioning from „*resentment*” as an emotion of rejection and critique of the unsatisfactory liberal status quo to the more formalised and institutionalised „*politics of resentment*” is crucial in our understanding of the ascent of illiberal narratives in Europe. It gives us a chance of harnessing resentment in more conceptual terms and schemes. Resentment alone is an emotion in need of constitutional doctrine, and “politics of resentment” add a crucial dimension to populism: a constitutional doctrine that competes with the dominant liberal constitutionalism (for important clarification see also [here](#)) and delivers on the promise of populist narratives. The doctrine of „politics of resentment” ranges from relentless abuse of constitutional arrangements to flat-out *rejection* of a constitutional document. Critique (the constitution seen as a vestige of the old regime) is a unifying factor for both approaches; what distinguishes one from the other is how deep and far the constitutional humiliation goes. In the *former* case, given the lack of constitutional majority, the constitution is dispensed with *per fas et nefas* by disregarding its clear provisions or adopting regulations that fly in the face of a constitution. With constitutional review in tatters, such unconstitutional practice becomes

business as usual. In the *latter* case, the politics of resentment resort to the ultimate weapon and adopt a new constitution that reflects and entrenches new narrative. One of the tenets of the new doctrine of “the politics of resentment” is outright rejection of the liberal rule of law. It distorts the communication processes between the representatives of the people and the people themselves. It is an unwanted technicality that, at best protects the disgusting elites while oppressing the real people. As such it must be remodelled and harnessed so as to enable and protect the decision making that at long last would reflect the purified rule of the people.

What truly differentiates the „politics of resentment” from mere contestation and dissatisfaction with the *status quo* is its resort to the “constitutional capture” as a tool to remodel the state and unseat the hitherto dominant (and allegedly failing) liberal narrative. Constitutional capture is a generic and novel concept (interestingly, American scholars are waking up now to their own version of constitutional capture, or [retrogression](#), as they call it). It stands for a systemic weakening of checks and balances and entrenching power by making future changes in power difficult.

Constitutional capture has in-built spill-over effect and as such the potential of Europe-wide adverse consequences. It travels in time and space. The „Turkish – Hungarian – Polish” connection is a case in point and shows how new authoritarians learn from each other. As there is simply no place for a veto emanating from any institution other than the majoritarian parliaments, the „politics of resentment” target institutions that otherwise might be seen as a brake on the power of the people’s representatives. Institutions are only accepted as long as they are our institutions and translate the only right message that deserves to be out in the public sphere. Such understanding leads to an important tweak to the established narrative: institutions that have been *channeling* (for populists “distorting”) the rule of law must be dealt with as expeditiously as possible. With the extreme majoritarianism as one of the corner stones of the new doctrine, disabling constitutional courts and judicial review is first order of the day for constitutional capture.

As a result, and with the benefit of hindsight, the Polish Constitutional Court never had a chance and its destruction was first on the to-do list of the Polish authoritarians. The very survival of the politics of resentment was on the line here and the independent court was its most deadly enemy. The [logging case](#) now pending at the Court of Justice, and the repeated denouncement by Polish ruling party of any decision the Court will take in the case, proves this anti-institutional trajectory and some more. Poland’s paranoid reaction to the Court’s alleged meddling in our own affairs adds a new crucial dimension to the “*exit in values*” (we are past this stage now) – “*exit in legality*” (I am grateful to Kim Lane Scheppele for this distinction). All institutions, domestic, supranational, stand in the way and are not part of the new populist constitutionalism. This is no longer gentle constitutional tinkering. This is all-out constitutional *reconquest*.

## Politics of resentment and belonging

My argument is that at its deepest “politics of resentment” call into doubt the very commitments entered voluntarily. „Politics of resentment” strikes at the very core of the societal fabric. “Politics of resentment” speaks on behalf of the people, and at the same time it itself defines the people. My argument is that resentment-driven politics is much more dangerous for the EU than the Euro crisis. As serious and grave as the financial crisis is, it is after all a result of political miscalculations and omissions, and the challenges now are about leadership and policy reorientation. With the politics of resentment, though, the situation is diametrically different. The challenges coming in the wake of the „politics of resentment” are more fundamental and existential in nature as the very backbone of the EU (rule of law and democracy) is at stake. For one, the „politics of resentment” endanger the very basis of mutual trust that has been defining the European project ever since its inception. The trust has been always built on the convergence between the fundamental values of Member States and their legal orders on the one hand, and the foundations of the Union legal order on the other hand. In the latter case, the EU must be seen as a whole that is, as a collectivity beyond the set of states that is more than the sum of its parts. Indeed, as one of the founding fathers of European Treaties, P. Pescatore, has emphasised in his classic *The Law of Integration. Emergence of a new phenomenon in international relations based on the experience of the European Communities*, (Leiden, 1974), supranationality has been predicated on the idea of „*an order determined by the existence of common values and interests*”.

Seen from this perspective, constitutional capture in Poland, both at the level of values and legality, is much

more than just an isolated example of yet another government going rogue. There is an important European dimension to what has transpired in Poland over the last 24 months. Past European crises galvanised European states toward further EU integration. Yet, past crises never questioned the overlapping European consensus that coalesced around a broadly shared political vision of Europe. *Resentment-driven constitutional capture* in Poland undermines the very idea of Europe, and the principles of liberalism, tolerance, “*living together*” and “*never again*”. It replaces these founding principles with zero-sum politics, “*us vs. them*” and a competing constitutional narrative of fundamental disagreement over values. It proclaims that “*We, the European peoples*” are not ready to live together in one pluralistic constitutional regime. It becomes clear that “the politics of resentment” backed up by capture not only challenges the standard origin story of the EU – that it was founded to bring peace and prosperity to Europe by ending the possibility of war and encouraging the common rebuilding of economies – but puts forward a new competing constitutional project and design. The “overlapping consensus” recognises that the European polity is composed of distinct peoples and respects other peoples’ lives and ways. Yet, for the consensus to work at the same time, “*We the European peoples*” should acknowledge certain fundamentals that bind and discipline us and brought us together. As argued by J. H. H. Weiler: “*it is a remarkable instance of constitutional tolerance to accept to be bound by a decision not by ‘my people’ but by a majority among peoples which are precisely not mine – a people, if you wish, of ‘others’. I compromise my self determination in this fashion as an expression of this kind of internal – towards myself and external – towards others – tolerance*”.

It is here that the “politics of resentment” deals a deadly blow to the whole of European project. Resentment-driven constitutional capture challenges European solidarity and mutual trust in a fundamental way. It proposes to reverse “*an ever closer union among the peoples of Europe*” and signals a dark turn inward. By showing that liberalism and democracy no longer animate national constitutions and politics, and by revealing that illiberal states can now flourish within the EU, the Polish experience poses an existential challenge to the EU. Can the EU mount a response to the challenge? Is EU still able to foster respect for commitments of principle that brought member states together? Does it have a safety valve by which it can deflate excessive nationalism and manifestly illiberal practices? Can it preserve the common values that launched the European project – supranationalism? More particularly, can domestic constitution-making be constrained from the outside? So far these questions received deflating negative replies as the EU has been reduced to an idle by-stander, extending deadlines and assurances of a dialogue, all this while Polish authoritarians laugh at EU’s face and the capture marched on. EU leadership might even be unaware that as of today it already lost Poland ...

## **The Politics of resentment: From captured state to captive mind**

If there is one thing the authoritarians are afraid of, it is free thinking and an empowered citizenry. That explains why the “politics of resentment” must not stop at the institutions. It takes over the public discourse, creates new heroes and plots worthy of putting on the pedestal of history. It is instructive (again for all the wrong reasons) how politics of resentment translated into the [politics of memory](#) has been rewriting history in Poland and how it affected the way Poles remember the past. The “politics of resentment” resorts to what I call *memory capture* that calls into question “We, the Polish people”. “Memory capture” is based on a systemic weakening of the inclusive approach to the past, which allows all voices to be heard. It offers a more flattened and one-dimensional explanation of where “We, the Poles” came from and what makes up our national identity.

“Memory capture” is vindictive: Poland and the Poles have suffered so much in the past that they are now entitled to a greater respect and recognition for their sufferings. Poland has rightful expectations to be a taker, not a giver, because we have already given too much and should now be compensated for all our sacrifices and sufferings. Crucially for my analysis, memory capture consists of enslaving the past within one dominant narrative and, as a result, entails an imbalance in our collective remembering and way of looking at the past. Certain elements are exposed and celebrated, while others that do not fit the overarching rationale and narrative are relegated to the margins of public discourse, castigated, and even, as will be shown below, penalised. In the end, the historical debate is tainted by an imbalance and asymmetry.

This is where the concept of *mis-memory* enters the picture, distorting our reading of our national history and the past. The high rhetoric adopted is always the same: to protect the good name of Poland. Beneath the surface,

though, lurk the true motives of Polish political masters: negation of historical truth by silencing those who dare to speak honestly, without sugar-coating, about past events. “Memory capture” and “mis-memory” dictate a vision of the past that is one-dimensional: we suffered, and others always plotted against us. Today the day of reckoning has come and Poland must be put back on the pedestal as a victimised sufferer. Anyone who counters our understanding of our past is characterised almost instantaneously as a liar and a [traitor](#).

## Dealing with the politics of resentment resentment: A challenge of new opening

Moving forward is predicated on our ability to [reposition](#) ourselves vis-a-vis the sacrosanct narrative of „*an ever closing union among the peoples of Europe*” and abandon the comforting conviction of taken-for-grantedness and that somehow Europe will find a way in the end. The challenge is to build a conceptual framework for dealing with „politics of resentment”. My argument is that such conceptual framework should be centered around basic challenges which would be presented here as a mixture of the past, present and the future. It calls on the revisiting forgotten founding narratives of European integration (dimension of the *past*), rethinking Europe’s vocation today (dimension of the *present*) and finally, opening up for, and embracing, new vistas (dimension of the *future* and language we use when talking [today of the European Union](#)). I propose to group the challenges in the following way: the challenge of „We, the peoples”; the challenge of inclusion; the challenge of constitutional culture and fidelity („bottom-up” constitutionalism); the challenge of dialogue/public discourse; the challenge of pluralism/tolerance; the challenge of building constitutional fidelity; the challenge of rethinking the „membership in crisis” and, interrelated to that, the challenge of credible commitments backed up by viable enforcement mechanisms, and finally the challenge of belonging and embracing „the Other” as part of European pluralist constitutionalism.

„Politics of resentment” strike at the very basis of social fabric: *trust*. They alienate, exclude, destroy the old world and narratives without offering new alternatives except exclusion and distrust. Crucially, in the end they capture the state, the institutions, constitutional and historic narratives, seal off the space for free exchange of ideas and world views. As we try to move forward, the question is this: Are we ready to continue living together in a constitutional regime, internally divergent, yet always able to respond to the exigencies and demands of new realities? The challenge behind this question has been eloquently summarised by J. Tully’s „canoe metaphor”: *„Perhaps the great constitutional struggles and failures around the world today are groping towards the third way of constitutional change, symbolised by the ability of the members of the canoe to discuss and reform their constitutional arrangements in response to the demands for recognition as they paddle. A constitution can be both the foundation of democracy and, at the same time, subject to democratic discussion and change in practice”*. With the „politics of resentment” at the heart of European disintegration, with the deafening passivity, lack of political leadership and constitutional imagination of the European elites, and with the „constitutional capture” being elevated now to the status of new constitutional doctrine, the challenge of „Doing Europe”, of overlapping consensus and tolerance for “the Other” has never been more acute ... and dramatic. The comfortable *„it won’t happen to us”* is no longer an option. Will the EU finally tune in and listen?

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